

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 353
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Short Title: Abused Children/Funds.

(Public)

Sponsors: Senators Shaw; Cochrane, Hardin, and Carpenter.

Referred to: Children and Youth.

March 7, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA FUND FOR CHILDREN AND
3 FAMILIES, PROVIDE FOR ITS GOVERNANCE, AND PERMIT THE
4 ALLOCATION OF CORPORATE AND INDIVIDUAL INCOME TAX
5 REFUNDS TO THE FUND.

6 The General Assembly of North Carolina enacts:

7 Section 1. Article 9 of Chapter 143B is amended by adding the following
8 new Part to read:

9 **“PART 29.**

10 **“NORTH CAROLINA COMMISSION ON CHILDREN AND FAMILIES.**

11 **“§ 143B-426.41. Purpose.**

12 It is the intent of this Part to make rehabilitation and treatment services available to
13 victims of child abuse and their families through a multi-disciplinary system that
14 provides incentives to communities to work together in a coordinated, comprehensive
15 program to address the needs of victimized children.

16 **“§ 143B-426.42. The North Carolina Fund for Children and Families created.**

17 There is established in the Office of the State Treasurer the North Carolina Fund for
18 Children and Families. The fund shall be funded by private contributions from
19 whatever source derived and by grants and appropriations as may be from time to time
20 provided by State and federal governments. All assets of the North Carolina Fund for
21 Children and Families established under Executive Order Number 27 issued September
22 8, 1986, as amended by Executive Order Number 47 dated April 28, 1987, shall become
23 the property of the North Carolina Fund for Children and Families established by this

1 act upon ratification. Disbursements of funds shall be on the authorization of the North
2 Carolina Commission for Children and Families or a duly authorized representative
3 thereof. In order to maintain an effective expenditure and revenue control, such funds
4 shall be subject in all respects to State law and regulations.

5 **"§ 143B-426.43. Governance of the North Carolina Fund for Children and**
6 **Families.**

7 There is established in the Department of Administration, Office of Youth Advocacy
8 and Involvement, the North Carolina Commission on Children and Families. The North
9 Carolina Fund for Children and Families Commission created by Executive Order
10 Number 27 issued September 8, 1986, as amended by Executive Order Number 47
11 dated April 28, 1987, is hereby transferred to the Department of Administration, Office
12 of Youth Advocacy. The Commission shall be composed of five members appointed by
13 the Governor to serve two-year terms plus the following three cabinet officers or their
14 designees who shall serve as ex officio members: Secretaries of the Department of
15 Administration, Department of Crime Control and Public Safety, and Department of
16 Human Resources. The Governor shall also appoint a Chairman of the Commission
17 who, in the discretion of the Governor, may or may not be a member of the
18 Commission.

19 The members of the Commission shall receive per diem and necessary travel and
20 subsistence expenses in accordance with the provisions of G.S. 138-5.

21 The duties and responsibilities of the Commission are:

- 22 (1) To receive gifts, bequests, devises, appropriations and grants for
23 deposit and investment into the North Carolina Fund for Children and
24 Families.
- 25 (2) To assess the critical needs of victimized children and their families.
- 26 (3) To establish criteria for the award of grants which will encourage a
27 comprehensive family-focused, community-based approach to address
28 the needs of victimized children and their families and which
29 demonstrate significant local community support.
- 30 (4) To solicit grant proposals from public and private nonprofit
31 organizations serving local communities which will service the
32 identified critical needs of victimized children and families in that
33 community consistent with established criteria.
- 34 (5) To award grants to public and private nonprofit organizations which in
35 the discretion of the Commission meet the criteria established by the
36 Commission.
- 37 (6) To develop appropriate guidelines for monitoring administration of
38 grant funds and performance of grant objectives to ensure
39 accountability.
- 40 (7) To evaluate the performance of grant recipients with reference to their
41 grant proposal.
- 42 (8) To make to the Governor, the President of the Senate and the Speaker
43 of the House of Representatives in January of each year a full
44 accounting of all funds received and expended during the preceding

1 12-month period, including the amount of each grant awarded; the
2 name and address of each grant recipient, and the nature of the services
3 to be provided by each recipient, together with an evaluation of the
4 performance of each recipient measured by the award criteria at the
5 conclusion of the grant period.

6 (9) To make recommendations to the Governor, the President of the
7 Senate and the Speaker of the House of Representatives for statewide
8 replication of effective and efficient programs."

9 Sec. 2. Allocation of Corporate Income Tax Refunds. Division I of Article 4
10 of Chapter 105 of the General Statutes is amended by adding a new section to read as
11 follows:

12 **"§ 105-130.35A. Contribution election to the North Carolina Fund for Children**
13 **and Families.**

14 Any taxpayer that is entitled to a refund of one dollar (\$1.00) or more of taxes paid
15 as provided by this Article may elect to contribute all or any part of the refund to the
16 North Carolina Fund for Children and Families Commission, to be used to assist, treat,
17 and rehabilitate victimized children and their families. The Secretary of Revenue shall
18 provide appropriate language and space on the corporation income tax form in which to
19 make this election and shall note the same in the income tax filing instructions,
20 including an explanation that the refunds so contributed qualify for deduction without
21 limit under G.S. 105-130.9(2). An election made under this section to contribute all or
22 part of a refund to the North Carolina Fund for Children and Families shall become
23 irrevocable upon filing the taxpayer's income tax return for the taxable year. For the
24 1989 taxable year, the Secretary of Revenue shall remit as soon as practicable, after the
25 close of each quarterly period in 1990, all funds so elected during the preceding quarter
26 to the State Treasurer who shall deposit the funds to the account of the North Carolina
27 Fund for Children and Families. The Department of Revenue may deduct and retain
28 from the refunds contributed under this section an amount equal to the cost of
29 administering the provisions of this section."

30 Sec. 3. Allocation of Individual Income Tax Refunds. Division II of Article
31 4 of Chapter 105 of the General Statutes is amended by adding a new section to read as
32 follows:

33 **"§ 105-159.2. Contribution election to the North Carolina Fund for Children and**
34 **Families.**

35 Any taxpayer who is entitled to an individual income tax refund of one dollar
36 (\$1.00) or more of taxes withheld or estimated taxes paid may elect to contribute all or
37 part of the refund to the North Carolina Fund for Children and Families Commission, to
38 be used to assist, treat, and rehabilitate victimized children and their families. The
39 Secretary of Revenue shall provide appropriate language and space on the individual
40 income tax form in which to make this election and shall note the same in the income
41 tax filing instructions, including an explanation that the refunds so contributed qualify
42 for deduction without limit under G.S. 105-147(16). An election made under this
43 section to contribute all or part of a refund to the North Carolina Fund for Children and
44 Families shall become irrevocable upon filing the taxpayer's income tax return for the

1 taxable year. For the 1989 taxable year, the Secretary of Revenue shall remit as soon as
2 practicable, after the close of each quarterly period in 1990, all funds so elected during
3 the preceding quarter to the State Treasurer who shall deposit the funds to the account
4 of the North Carolina Fund for Children and Families. The Department of Revenue
5 may deduct and retain from the refunds contributed under this section an amount equal
6 to the cost of administering the provisions of this section."

7 Sec. 4. Effective Dates. Sections 2 and 3 of this act are effective for taxable
8 years beginning on or after January 1, 1989. The remainder of this act is effective upon
9 ratification.